S.B. CIVIL WRIT PETITION NO.550/1996
Smt. Anand Kumari Banthiya Trust & Anr.
vs
The Divisional Commissioner, Bikaner & Anr.

DATE OF ORDER : 10.8.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. Vijay Bishnoi, for the petitioner.
Mr. SN Tiwari, Dy.GA.

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Heard learned counsel for the parties.

Learned counsel for the petitioners pointed out that Urban land (Ceiling and Regulation) Act, 1976 has been repealed by Urban Land (Ceiling and Regulation) Repeal Act, 1999 and that has been adopted by the State Government vide notification published in the Official Gazette dated 11.10.1999 and by virtue of that repeal, all proceedings relating to any order made under the Principal Act pending immediately before the commencement of the Repealing Act before any Court, the Tribunal or other Authority abated and, therefore, this writ petition may be allowed because of the change in law.

According to learned counsel for the petitioner in view of Section 3 and 4 of the Repeal Act, the land of which possession has not been taken over by the State Government that land continues to be not affected by any orders or provisions of the Principal Act of 1976.

In the light of the above reasons, this Court also disposed

of SBCWP No.3323/1995 – Mahendra Singh Vs. Divisional Commissioner, Jodhpur & ors vide order dated 11.5.2007.

In view of the above reasons, the present writ petition is also allowed and it is made clear that if the possession of the property has not been taken from the petitioner in the proceedings initiated under the provisions of Urban land (Ceiling and Regulation) Act, 1976 in pursuance of the impugned orders, then the respondent shall not take possession of the property from the petitioner and proceedings under the Act of 1976 shall stand abated.

[PRAKASH TATIA], J.

c.p.goyal/-